



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 29, 2005
Comment Deadline: October 28, 2005
Corps Action ID #: 200533142

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: *Robin Hood, Incorporated, Arthur Dehon
Post Office Box 689
Cedar Mountain, NC 28718*

AGENT (if applicable): *ClearWater Environmental Services, Inc., Clement Riddle
224 South Grove Street, Suite F
Hendersonville, NC 28792*

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures. This application is being considered for approval pursuant to Section 404 of the Clean Water Act (33 USC 1344).

Location

The project site, known as Big Hill Acreage Homestead, is located in Transylvania County, North Carolina and is primarily accessed from East Fork Road. The project is bordered to the west by private residential property and undeveloped timberland.

Existing Site Conditions

The project site consists of residential single-family home sites and wooded lots. The site contains two blue-line perennial streams, Big Branch and East Fork French Broad River, and several unnamed perennial and intermittent tributaries that originate on the property. Big Branch is classified as a Trout Water, Class C waters, and High Quality Waters by the North Carolina Division of Water Quality. The East Fork French Broad River is classified as a Trout Water, B Waters, and High Quality Waters. The site contains four different dominant habitat types. These habitats include Oak-hickory forests, mixed pine-hardwood forest, wetland seeps, and streambed and banks.

The freshwater habitats include the streambeds and banks of Big Branch and its unnamed tributaries. The East Fork French Broad River flows through the eastern corner of the site. There are unnamed tributaries have their origins in seeps and springs on site. Permanently rooted aquatic plants are practically non-existent in swift streams such as those on site. Most streams are bordered by hardwood forests dominated by yellow poplar, red maple, and sweetgum, all commonly observed in streamside canopies on site. In addition to saplings of the above trees, other species observed in the shrub layers along streams include purple-laurel (*Rhododendron catawbiense*) and mountain laurel (*Kalmia latifolia*). Also observed in the streamside herbaceous layer were microstegium, southern lady fern (*Athyrium asplenoides*), and Christmas fern.

Applicant's Stated Purpose

As stated by the applicant, the purpose of this project is to provide low-density residential housing in a quite setting that incorporates green space and common open areas.

Project Description

Nearly all of the jurisdictional area on-site is comprised of perennial and intermittent streams estimated to be 19,000 linear feet. The application addresses previous and future impacts. Phase I (completed) impacted approximately 585 linear feet of perennial and intermittent channel associated with roads, 80 feet associated with dam fill, and approximately 100 feet of flooding impacts. Big Hill Acreage Homesteads, the applicant, proposes no new impacts in the Green Hollow phase of Big Hill Acreage Homesteads to achieve the previously stated project purpose. Previously the applicant has:

1. Installed 585 linear feet of culvert in perennial/intermittent streams for Phase I (completed).
2. Installed 80 linear feet of fill in perennial/intermittent streams for the construction of a dam and 100 linear feet of flooding impact.
3. Installed 80 linear feet of culvert in intermittent streams for Phase I (completed).

The after-the fact plan indicates total impact (fill and flooding) of 765 linear feet of perennial streams.

The net result for this project will result in approximately 19,000 linear feet of perennial and intermittent streams on site being permanently avoided. In addition, the preserved streams will be enhanced with approximately 50 acres of upland buffers/green space ranging from 25 feet to 150 feet wide.

The primary impact within this development is roads. The roads are completed on the first 450 acres. Impacts associated with this phase total approximately 585 linear feet of perennial important streams (see Table 4.1). The applicant proposes to construct approximately 2.5 miles of roads in the Green Hollow Phase. The Green Hollow Phase has six stream crossings all of them will be constructed using half-pipe/bridges. There are no new impacts associated with the remaining 150-acre phase. It is important to note that a number of these road crossings were completed as early as the year 2000.

One pond has been built on site, Lot 84. The pond was built at the headwaters of a small unnamed tributary. The dam footprint impacts 80 linear feet of stream; approximately 100 linear feet of stream is flooded. This lot has been sold.

There are approximately six proposed temporary impacts to streams onsite resulting from the installation of utilities in the Green Hollow Phase of this project. The applicant installed underground utilities on site. Utility line crossings will be temporary and crossings will be installed following the USACE and NC Division of Water Quality guidelines and conditions of Nationwide Permit 12. Drinking water will be provided to residential areas via individual wells. Residential lots are on septic system.

Existing Road Culverts

Table 4.1

CULVERT NUMBER	INSTALLATION DATE	LENGTH FEET	DIAMETER INCHES	STREET LOCATION	PROXIMITY TO LOT NO.
1	1/14/2000	60	36	BIG BRANCH	GA/54
2	1/14/2000	60	15"	BIG BRANCH	GA/54
3	1/14/2000	60	24	BIG BRANCH	56/55R
4	2/22/2001	50	24	SANDY LANE	22/23/24
5	2/22/2001	40	36	SANDY LANE	24/25
6	11/19/2001	40	18	BEAR PAW	62R/67
7	6/18/2001	40	18	SANDY LANE	62R/67
8	7/6/2001	60	18	SANDY LANE	68/69
9	8/7/2001	60	18	SANDY LANE	72/79
10	2/1/2002	60	18	LAUREL THICKET	73/77
11	3/25/2002	50	24	LAUREL THICKET	80/81
12	4/3/2002	60	24	LAUREL THICKET	83/85
13	7/6/2001	60	18	LAUREL	83/85

				THICKET	
14	9/23/2002	30	72	LAUREL THICKET	89/92
15	Permitted by USACE October 2004	40		LAUREL THICKET	95
TOTAL		730			

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by October 28, 2005.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will

reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

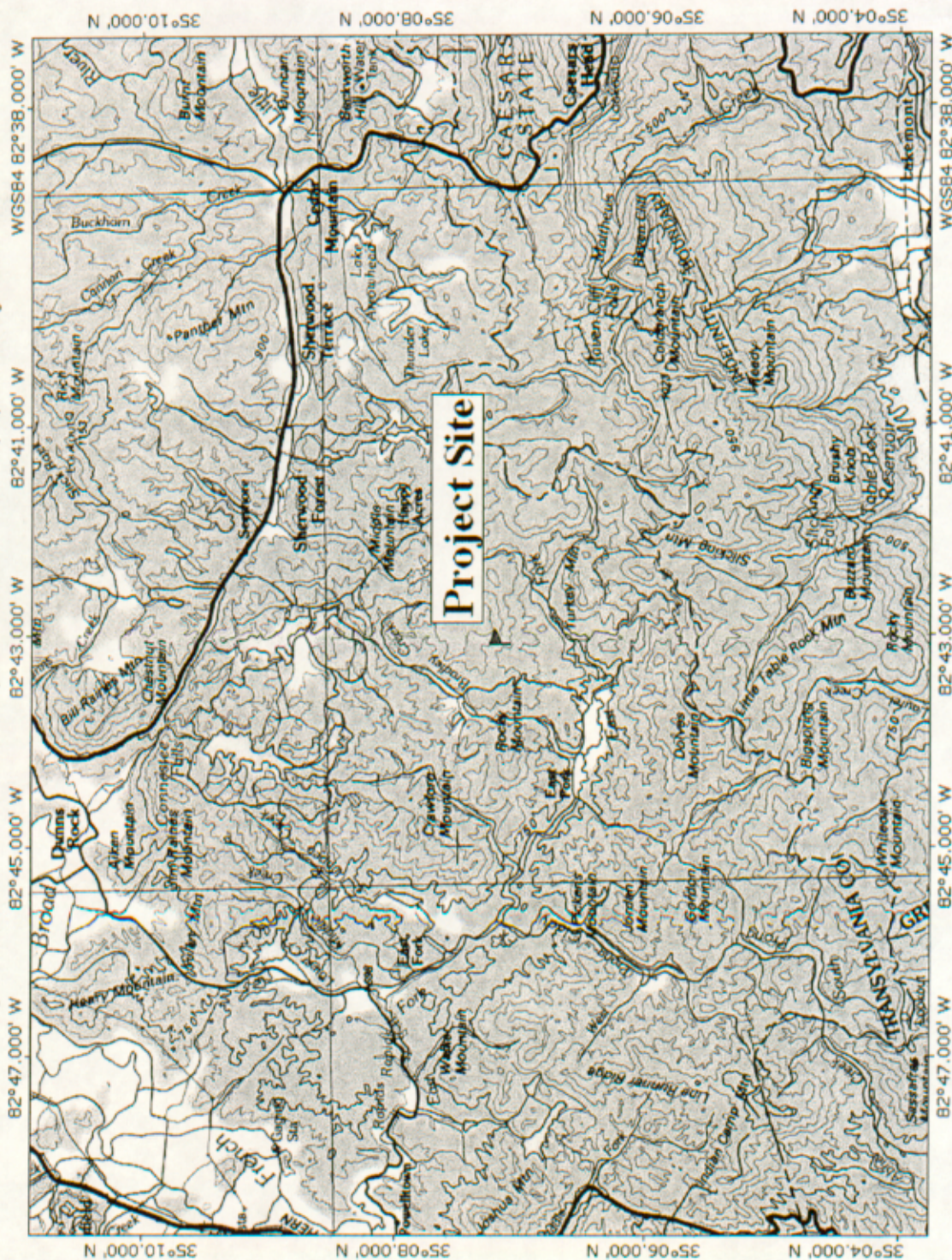
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, March 14, 2005. Comments should be submitted to Ms. Rebekah L. Newton, US Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

Figure 1

Big Hill Subdivision 35°07.328' N, 82°43.034' W WGS84 08/29/05
82°47.000' W 82°45.000' W 82°43.000' W 82°41.000' W



35°04.000' N 35°06.000' N 35°08.000' N 35°10.000' N
WGS84 82°38.000' W WGS84 82°36.000' W
Map created with TOPO® ©2003 National Geographic (www.nationalgeographic.com/topo)
0 0.5 1.0 1.5 2.0 2.5 3.0 3.5 miles
0 1 2 3 4 5 km
N
5°

Big Hill Acreage Homesteads
Transylvania County, N.C.

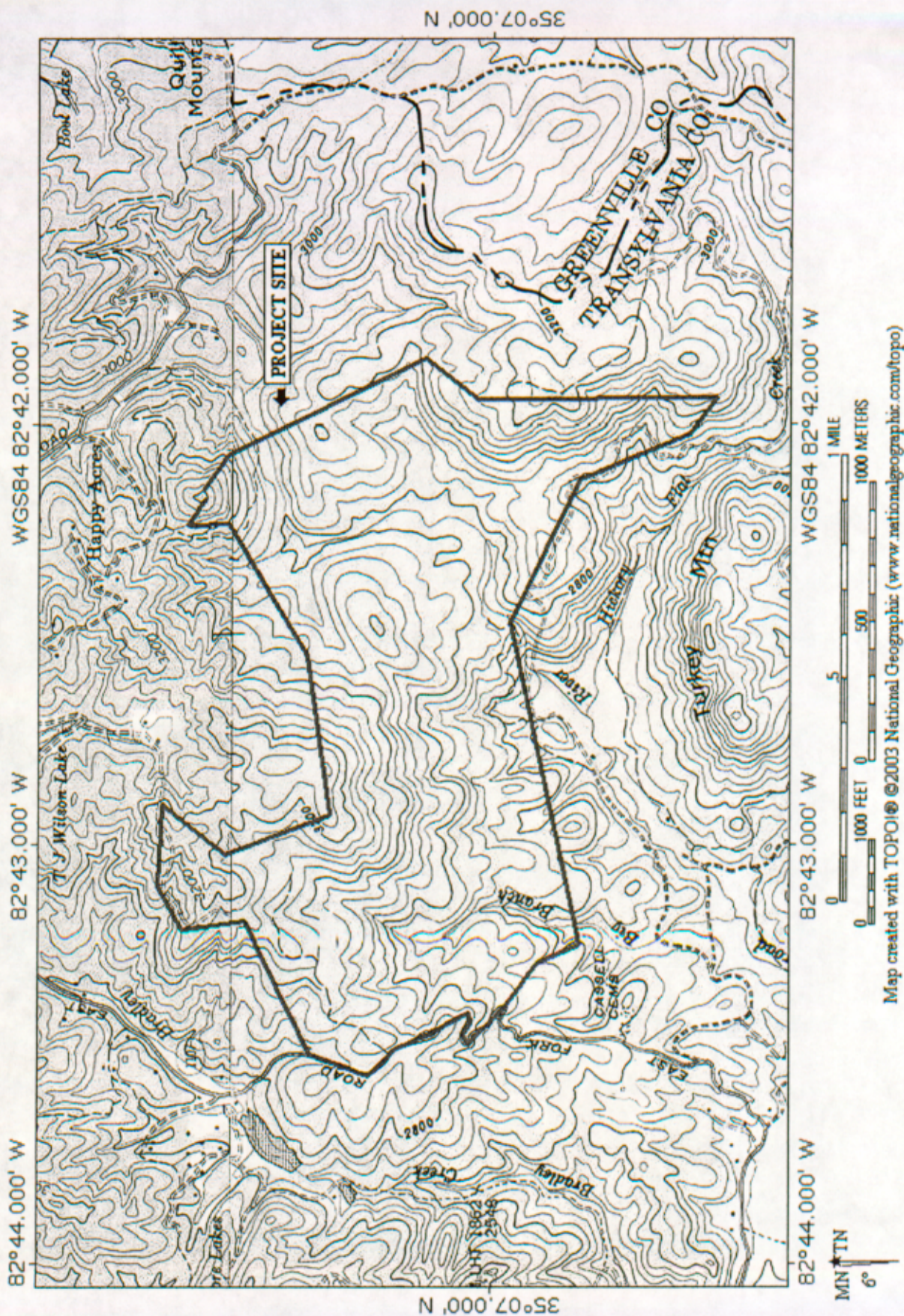
CLEARWATER

Environmental Consultants, Inc.
224 South Grove Street, Suite F
Hendersonville, NC 28792
828-698-9800

SITE VICINITY MAP FIGURE 1

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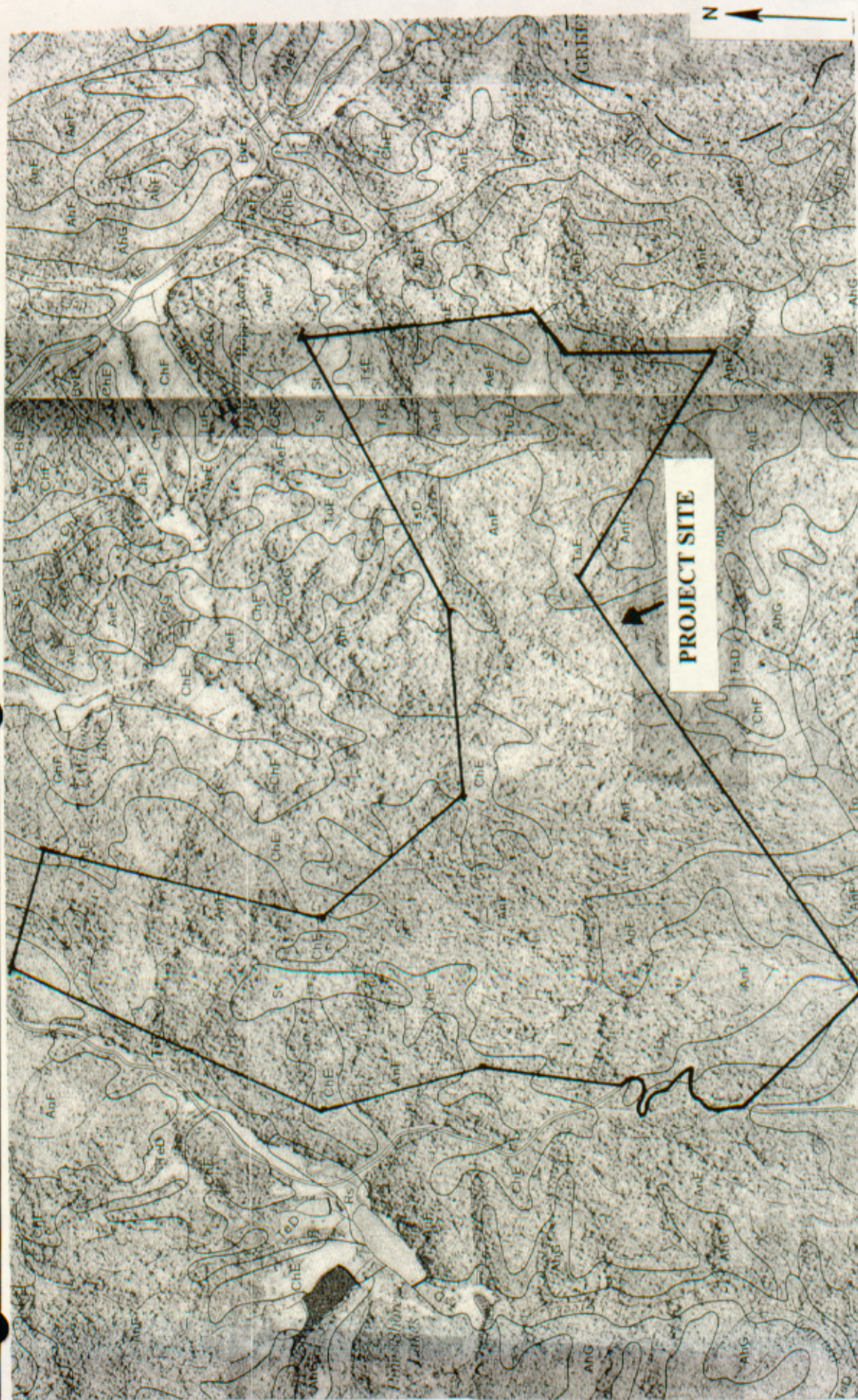
Big Hill Acreage Homesteads
Transylvania County, N.C.

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USGS TOPOGRAPHIC MAP
FIGURE 2

200533142



Scale: 1:15,840

Source: USDA, Natural Resources Conservation Services, Transylvania County, North Carolina

Big Hill Acreage Homesteads
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SOILS MAP
FIGURE 3

1

2

3

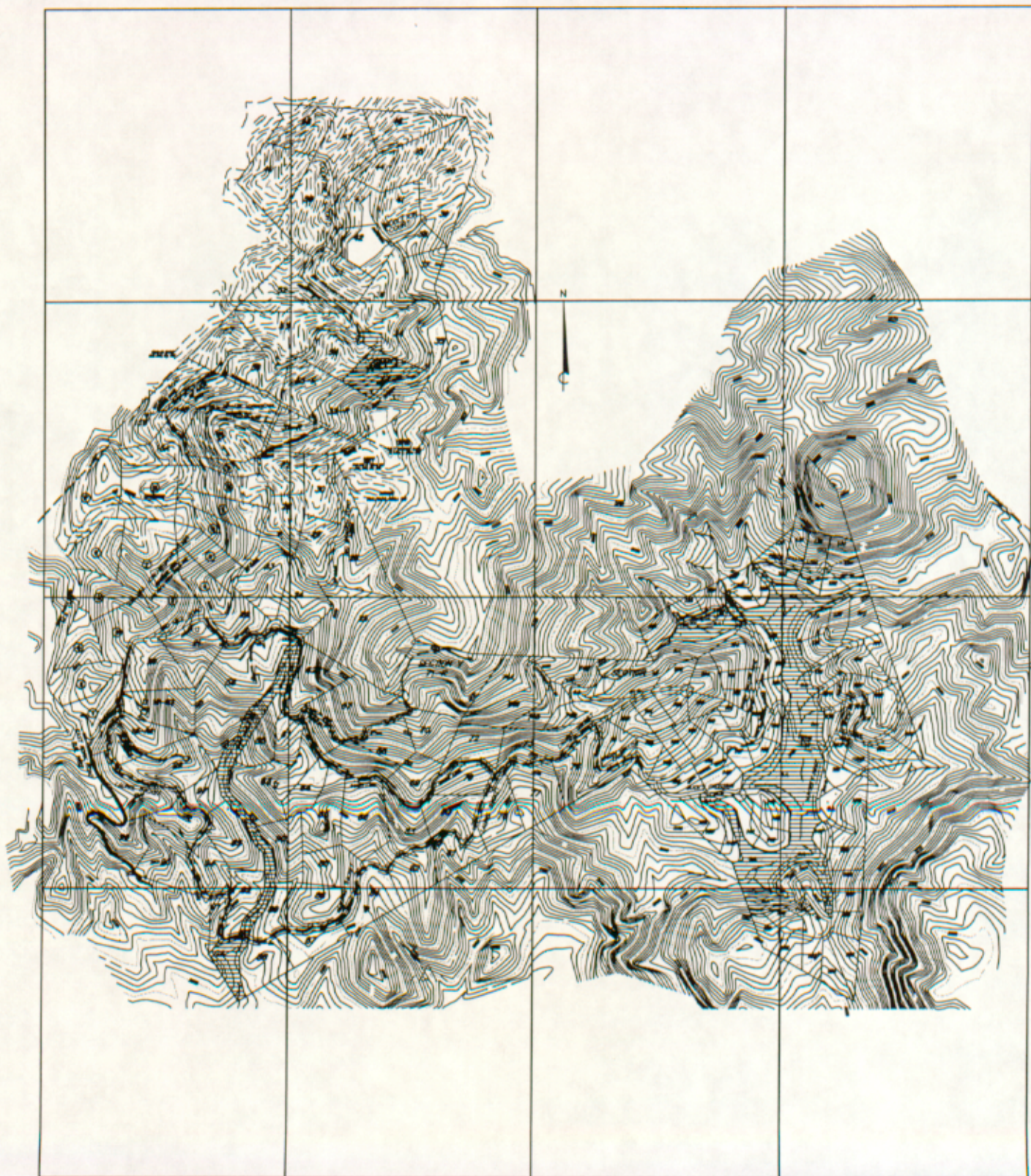
4

A

B

C

D



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Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 1-A

SCALE: 1"=300'

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Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 1-C

SCALE: 1"=300'

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Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 1-D

SCALE: 1"=300'

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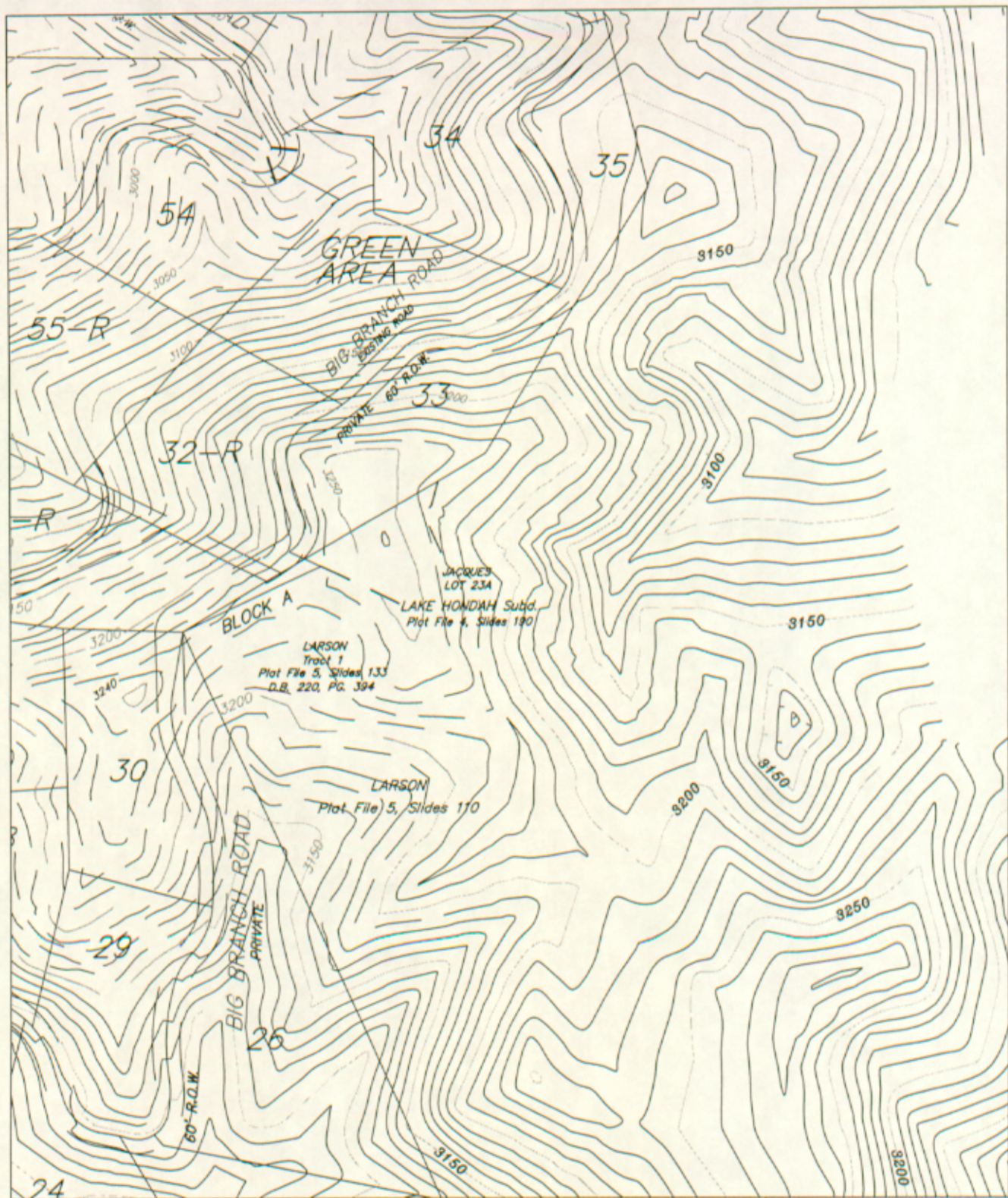


Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 2-A

SCALE: 1"=300'

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Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 2-B

SCALE: 1"=300'

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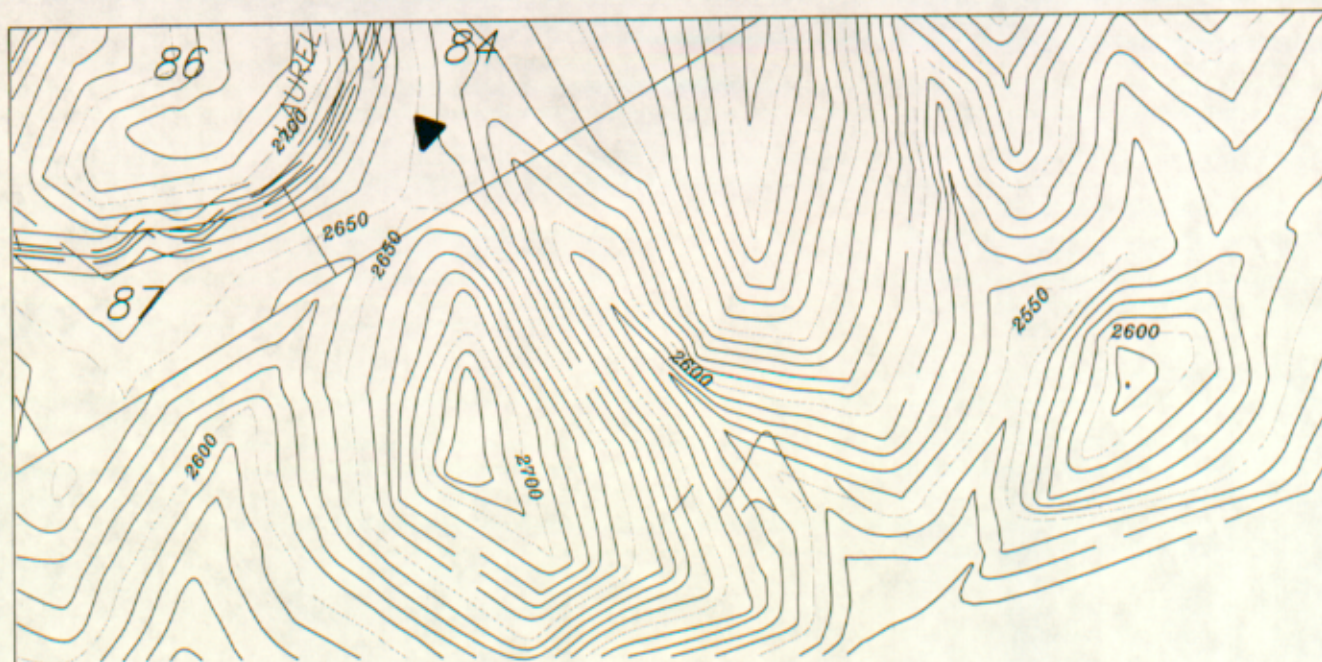


Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 2-C

SCALE: 1"=300'

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Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 2-D

SCALE: 1"=300'

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Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 3-A

SCALE: 1"=300'

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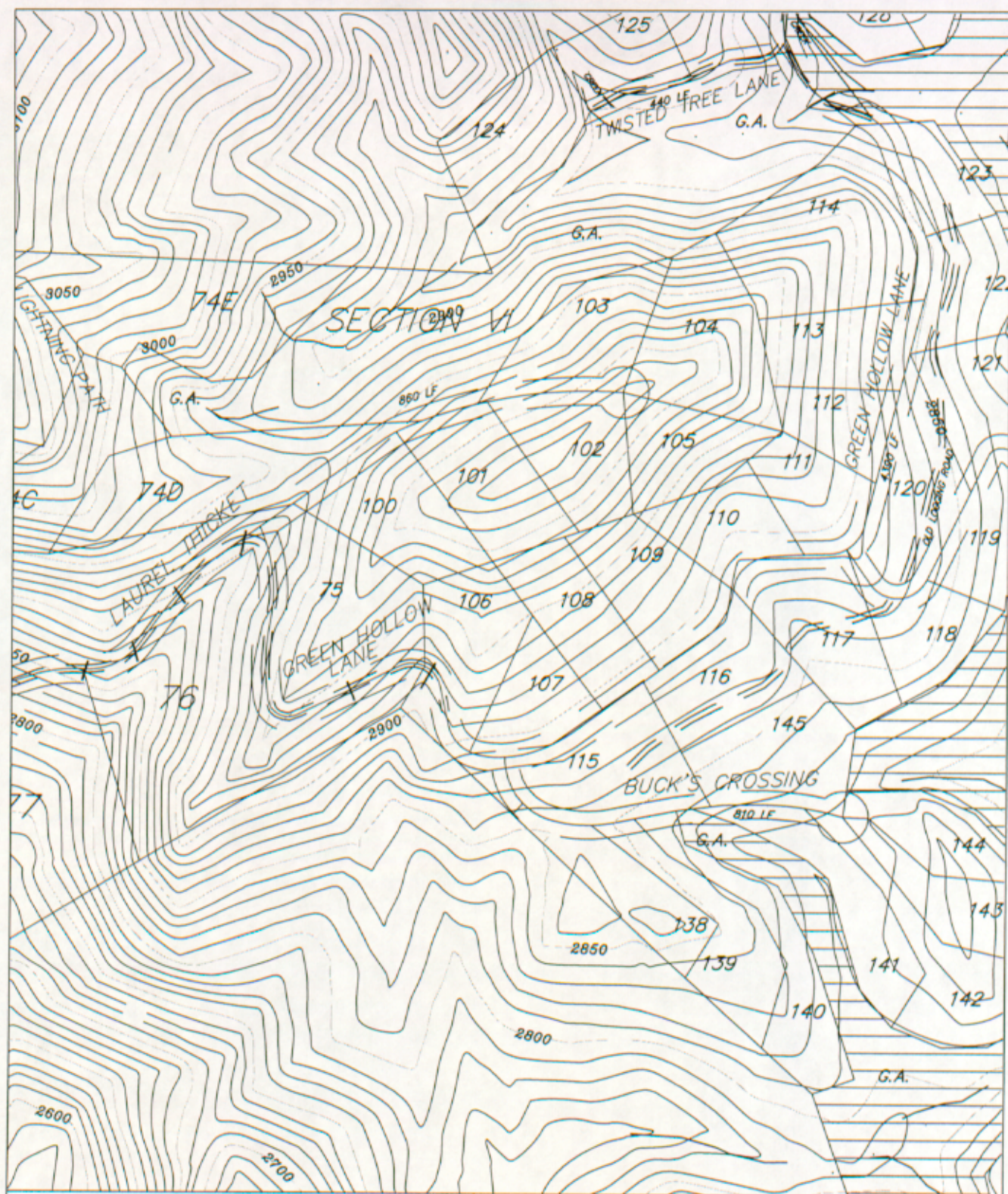


Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 3-B

SCALE: 1"=300'

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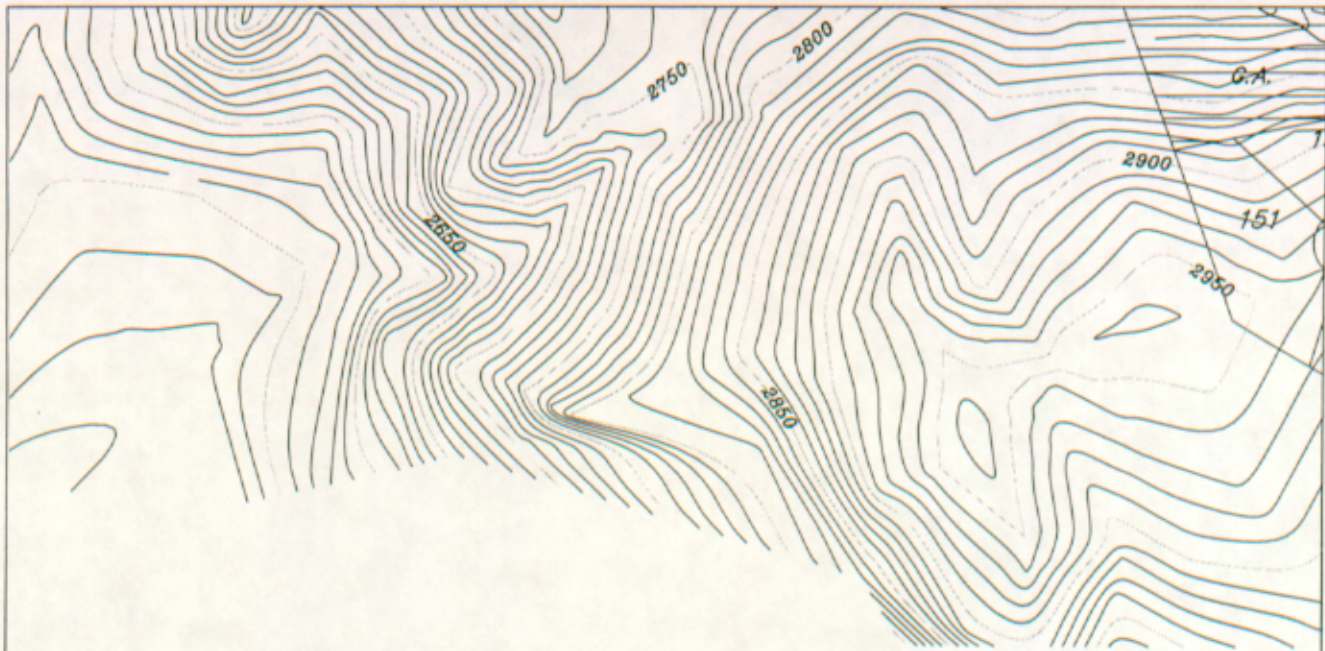


Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 3-C

SCALE: 1"=300'

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Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 3-D

SCALE: 1"=300'

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Big Hill Acreage Homesteads
Transylvania County, NC

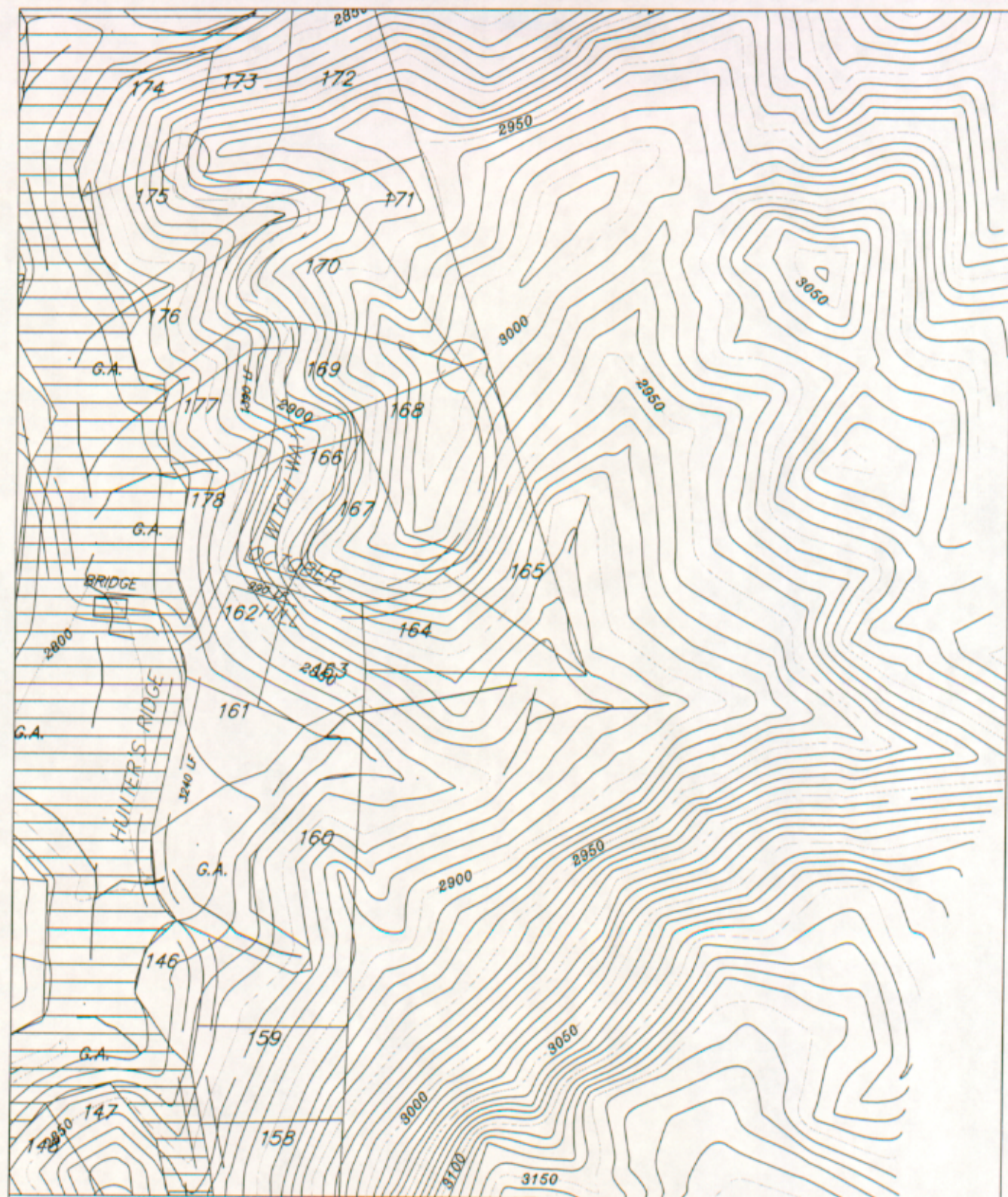
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SCALE: 1"=300'

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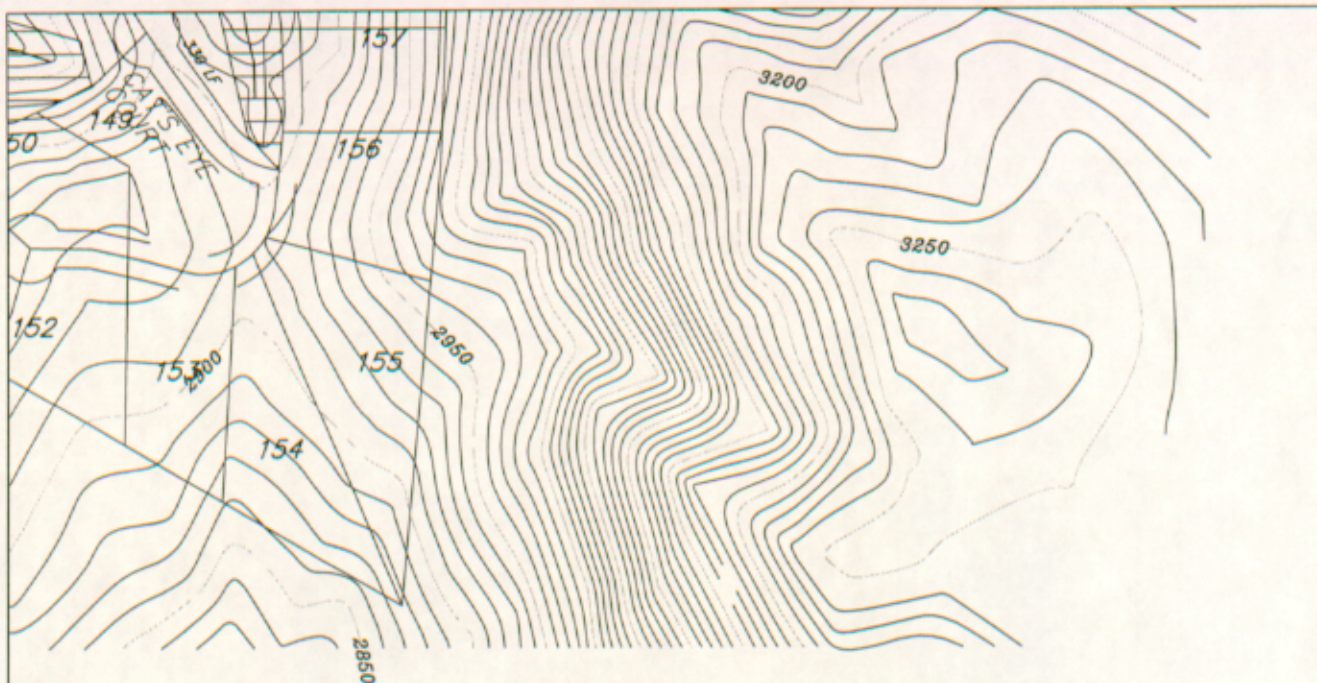


Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 4-C

SCALE: 1"=300'

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Big Hill Acreage Homesteads
Transylvania County, NC

SHEET 4-D

SCALE: 1"=300'

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